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7 SUMANTE J HUTCHINSON,  
8 Plaintiffs,  
9 v.  
10 CONTRA COSTA COUNTY, et al.,  
11 Defendants.

Case No. 23-cv-05126-EMC

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

Docket No. 20

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13 Pending before the Court is Defendant Contra Costa County's motion to dismiss. Docket  
14 No. 20. Plaintiff failed to file an amended Complaint by March 30, 2024, or within 30 days of the  
15 Court granting Defendant's motion to dismiss with leave to amend. *Id.*

16 Given Mr. Hutchinson's failure to file an amended Complaint, on April 9, 2024, the Court  
17 issued an order to show cause as to why this action should not be dismissed for failure to  
18 prosecute. *See* Docket No. 26 ("OSC"). The Court clearly advised Mr. Hutchinson that it would  
19 dismiss this action with prejudice if he did not respond to the order to show cause as to why he  
20 failed to timely amend the Complaint. *Id.* The Court gave him until May 10, 2024, to respond to  
21 the OSC.

22 Accordingly, because Mr. Hutchinson did not respond to this Court's order to show cause  
23 before the deadline, Defendant's motion to dismiss is **GRANTED** and this action is **DISMISSED**  
24 with prejudice for failure to prosecute.

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26 **IT IS SO ORDERED.**  
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28 Dated: May 21, 2024.

United States District Court  
Northern District of California

  
EDWARD M. CHEN  
United States District Judge

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